

REMARKS

In response to the Office Action dated February 8, 2007, Applicants respectfully request reconsideration based on the attached amendment and the following remarks. Applicants respectfully submit that the claims as presented here are in condition for allowance.

Claims 1-12 are pending in the present application. The Examiner acknowledges Applicants' election of claims 1-4, therefore, claims 5-12 have been withdrawn from consideration. Claim 1 has been amended and claims 13 and 14 are new, leaving claims 1-4 and 13-14 for further consideration upon entry of the present response. Support for the amendments made herein can be found at least in paragraph [0041] of the published application (US2006/0194368) and FIGS. 1-4 of the application as originally filed. No new matter has been added by the amendment. Applicants respectfully request reconsideration of claims 1-4 and 13-14 based on the amendment and the following remarks.

Claim Rejections Under 35 U.S.C. §103

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kim (U.S. Patent No. 6,624,871, hereinafter "Kim") in view of Morozumi (U.S. Patent No. 4,862,237, hereinafter "Morozumi"). The Examiner states that Kim discloses all of the elements of the abovementioned claims except, *an insulating substrate*, which the Examiner further states is disclosed primarily in column 6, line 66 through column 7, line 4 of Morozumi. Applicants respectfully traverse.

In particular, the Examiner states on pages 2-3 of the Detailed Action that Kim discloses with respect to FIG. 4A "an etching assistant pattern (39, fig. 4A) located out of an area (out of

the area due to the pattern not covering the gate line) defined by intersections of the gate line and the data line (col. 4, lns. 58).”

However, referring to FIG. 3 of Kim, it is seen that the etch stop layer 38 is disposed in an area defined by the intersection of the gate line 31L and data line 35L. More specifically, FIG. 3 of Kim discloses that the etch stop layer 39 covers the gate, source and drain electrodes 35G, 35S and 35D, respectively, located inside the area defined by intersection of the gate line 31L and data line 35L. Moreover, Kim discloses in FIGS. 3, and 4A relied upon by the Examiner, the etch stop layer 39 disposed over and following the path of the data line 35L and disposed over and intersecting the gate line 31L.

Therefore, it is respectfully submitted that neither Kim nor Morozumi, either alone or in combination, teach or suggest, an etching assistant pattern located out of an area defined by intersections of the gate line and the data line, as in claim 1. Thus, independent claim 1, including claims depending therefrom, i.e., claims 2-4 and 13-15, define over Kim in view of Morozumi.

Further, Kim discloses in FIG. 4A relied upon by the Examiner that the etch stop layer 39 is located inside a pixel area defined by intersections of the gate line 31L and the data line 35L, and does not teach or suggest the etching assistant pattern is located outside of a pixel area, as in new claim 13. In addition, Kim discloses in FIG. 4A relied upon by the Examiner that the etch stop layer 39 is formed on a passivation layer 36, and does not teach or suggest the etching assistant pattern is formed directly on the gate insulating layer, as in new claim 14. Lastly, Kim discloses in FIG. 4A relied upon by the Examiner that the etch stop layer 39 and the semiconductor layer 33 formed on two different layers, and does not teach or suggest an etching assistant pattern made of the same layer as the semiconductor pattern, as in amended claim 1. Therefore, it is respectfully submitted that new claims 13-14, as well as claims 1-4, are allowable for at least these additional reasons.

Accordingly, it is respectfully requested that the rejection to claims 1-4 under § 103(a) be withdrawn and allow claims 1-4 and 13-14 to issue.

Conclusion

In view of the foregoing remarks distinguishing the prior art of record, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested. The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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